

Amendment under 37 CFR 1.111
Application No. 10/743,421
Attorney Docket No. 032204

REMARKS

Claims 1-10 remain pending. Claims 1 and 7 are currently amended. Claim 2 is cancelled. No claims have been added. Applicants respectfully request favorable reconsideration in light of the amendments to claims 1 and 7 and the accompanying remarks.

A terminal disclaimer is filed herewith in response to Office Action's double patenting rejection.

On the Merits

Claims 1 and 2:

The Office Action has rejected claims 1, 2, 4, 6, 7, 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over *Miyatake et al.* (US Application 2002/0008807) in view of *Larrabee et al.* (US Patent 3,960,753).

Independent claim 1 requires in part, "an optical element having a plate like shape." Contrary to the Office Action's assertion, this feature is not disclosed or fairly suggested in paragraph 5 of *Miyatake*.

Regarding the subject matter of claim 2, (which has been incorporated into independent claim 1), the Office Action contends that *Larrabee* discloses that "at least one luminescent material is a fluorescent material that absorbs any one of ultraviolet light and visible light and emits visible light."

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However, in the second paragraph of column 2, *Larrabee* states:

for a nematic liquid crystal to be acceptable for the purpose of the present invention, it must be substantially transparent to ultraviolet radiation, ... it must be substantially transparent to visible light. Emphasis added.

Therefore, *Larrabee* actually teaches away from the present invention when it states that the nematic liquid crystal must be substantially transparent to ultraviolet radiation and visible light. Thus when *Larrabee* is viewed in *Miyatake*, it does not disclose what is required by claim 2 (now by amendment incorporated into independent claim 1). Applicants submit that in view of the arguments presented above, independent claim 1 and its dependent claims 3-6 as herein presented are in condition for allowance.

Independent Claim 7:

As independent claim 7 requires similar features as those discussed above (formerly claim 2), the same arguments apply to claim 7 as applied to claim 1. Applicants submit that in view of the arguments presented above, independent claim 7 and its dependent claims 8-10 as herein presented are in condition for allowance.

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With Respect to the Obviousness Rejection Under 35 USC 103:

Miyatake neither teaches nor suggests that a luminescent material is contained. On the other hand, according to *Larrabee*, it appears that an attempt was made to enhance the contrast by adding a luminescent material to a liquid cell material used for a liquid crystal cell. That is, when compared between *Larrabee* and *Miyatake*, the condition of liquid crystal is different. Specifically, in *Larrabee*, liquid crystal molecules are activated in response to the electric field when energized. In *Miyatake*, the liquid crystal is fixed in a dispersed state. Accordingly, there are great differences therebetween in function and technical effect, of the liquid crystal and luminescent material, and therefore there is no motivation to combine *Miyatake* with *Larrabee*.

Dependent Claims 2-5:

Applicants note that dependent claims 2-5, though listed as rejected in the Office Action Summary, are not addressed in the body of the rejection. Specifically on page 5 of the Office Action, dependent claims 2 and 4 were listed as rejected under 35 U.S.C. § 103(a), however no supporting analysis of the rejection was offered. Thus, applicants are unsure how the Examiner is interpreting claims 2 and 4 with respect to the cited references.

Additionally, dependent claims 3 and 5 have not been rejected in the body of the Office Action. Applicants submit that in the absence of a rejection on the merits and in light of the submitted terminal disclaimer, dependent claims 3 and 5 are allowable.

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Applicants submit that if the Examiner does not find the application to be allowable, another non-final Office Action is appropriate in light of the aforementioned remarks.

In view of the aforementioned amendments and accompanying remarks, applicants submit that the claims, as herein presented, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact applicants' undersigned agent to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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